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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,961	10/28/2003	Martin Jutras	2993-409US SC/ip	4574
32292	7590	10/11/2005		
OGILVY RENAULT LLP (PWC) 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A 2Y3 CANADA			EXAMINER VERDIER, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,961

Applicant(s)

JUTRAS, MARTIN

Examiner

Christopher Verdier

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,6,17-19,21-26 and 28 is/are allowed.
- 6) ☒ Claim(s) 4,5,8,11,13-15 and 20 is/are rejected.
- 7) ☒ Claim(s) 7,9,10,12,16 and 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-28-03, 3-21-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the path that extends along a parabolic curve (claim 25) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Appropriate correction is required.

In paragraph 11, line 2, “segment” should be changed to -- segments --.

In paragraph 18, line 5, “and” should be changed to -- an --.

In paragraph 20, line 2, “provides” should be changed to -- provide --.

In paragraph 21, line 5, “more important” is unclear and believed to be non-idiomatic.

In paragraph 22, line 1, “allow” should be changed to -- allows --.

In paragraph 22, line 3, “caused” should be changed to -- causes --.

In paragraph 28, lines 7-8, “and/or have as step changes or other discontinuous” is non-idiomatic.

Claim Objections

Claims 7-12 and 27 are objected to because of the following informalities: Appropriate correction is required.

In claim 7, second to last line, “and” should be deleted.

In claim 27, line 2, -- a -- should be inserted after “of”.

In claim 27, line 2, -- a -- should be inserted after “and”.

Claim 16 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 6. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim

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to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-5, 8, 11, 14, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of these claims recites that the gap is “wider at locations subject to higher operating temperatures during normal engine operation.” The phrase “wider at locations subject to higher operating temperatures during normal engine operation” is inaccurate because each gap 29 can be wider only at a single location, as seen in figure 4A. Perhaps applicant intends to claim that the gap is wider at a location subject to a higher operating temperature during normal engine operation than at a location subject to a lower operating temperature during normal engine operation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-15 (as far as claim 14 is definite and understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Bowers 3,752,598 (figures 1-3 and 5). Note the gas turbine engine near 10 comprising an expansion joint having a first member 20, 20 and a second member 50, the first member being provided with confronting faces 46, 46 and the second member being provided with confronting faces 54, 55 defining a gap therebetween, the confronting faces being non-parallel at room temperature (figure 3) and substantially parallel under conditions of operating temperatures (figure 5), wherein at room temperature (as seen in figure 3), the gap is wider (than as seen in figure 5) at a location subject to higher operating temperatures (the upstream side near 30 in figure 1) during normal engine operation, with the first member being cut slantwise at one end thereof (the inside end of gap 40 that connects to portion 46 in figure 3) to form one of the confronting faces.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Joslin is cited to show stator vanes having a curved gap therebetween (figures 6-7).

Allowable Subject Matter

Claims 1-3, 6, 17-19, 21-26, and 28 are allowed.

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Claims 7, 9-10, 12, and 27 contain allowable subject matter; Applicant should correct the informalities therein.

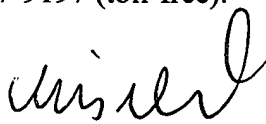
No meaningful determination may be made with regard to claims 4-5, 8, 11, and 20, due to the indefinite nature of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.
September 23, 2005


Christopher Verdier
Primary Examiner
Art Unit 3745